



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT

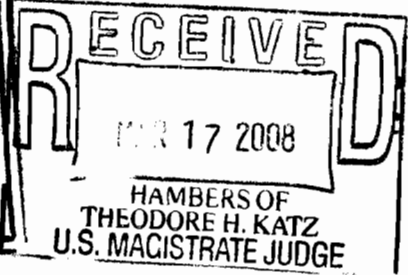
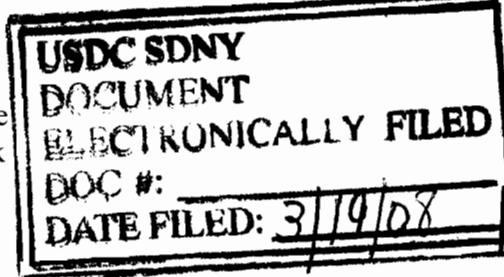
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March 17, 2008

**BY HAND**

Honorable Theodore H. Katz  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1660  
New York, New York 10007



Re: James Patrick Colliton v. Michael S. Morgan, et al.  
07 Civ. 8269 (LTS)(THK)

Your Honor:

**MEMO ENDORSED**

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant Raymond Kelly. Defendant Kelly respectfully requests that his time to respond to the complaint in this action be extended for sixty days from March 17, 2008 to May 16, 2008.<sup>1</sup> Plaintiff, who is proceeding *pro se*, consents to this request.

Plaintiff alleges, *inter alia*, that defendants falsely arrested and maliciously prosecuted him following several incidents which occurred between January 1, 2006 and October 11, 2007. Specifically, plaintiff alleges that defendants falsely charged him with bribing and tampering with a witness, and illegally detained him without bail for approximately eleven months pursuant to these charges. An enlargement of time will give this office the opportunity to investigate these allegations in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. Currently, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. This executed release is necessary for

<sup>1</sup> Upon information and belief, the individually named defendant, Joseph Cardieri, Esq., the General Counsel to the Administration for Children Services, has been served with a copy of the summons and complaint. Without appearing on his behalf, or making any representations as to the adequacy of process on him, it is respectfully requested that, if he has been properly served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

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TO COUNSEL OF RECORD ON 3/19/08

our office to obtain the District Attorney, Criminal Court, and police records pertaining to plaintiff's underlying arrest and prosecution.

Further, assuming plaintiff effectuated proper service on defendant Cardieri, the extension should allow time for this office to resolve representation issues.

No previous request for an extension or adjournment has been made in this action. Accordingly, defendant Kelly respectfully requests that his time to respond to the complaint be extended sixty days to May 16, 2008.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

  
Amy N. Okereke  
Assistant Corporation Counsel  
Special Federal Litigation Division


cc: Honorable Laura Taylor Swain, United States District Judge (by hand)

James Patrick Colliton, plaintiff *pro se*  
28 Millbank Road  
Poughkeepsie, New York 12603 (by first class mail)

*Defendants' time to respond to the Amended Complaint is extended to May 16, 2008.*

*3/19/08*

**SO ORDERED**

  
THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE

**MEMO ENDORSED**